

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 2:22-cr-01561-MIS-1

MICHAEL RIVERA,

Defendant.

ORDER

THIS MATTER is before the Court on “Defendant’s Motion to Produce Relevant Information Relevant to Daubert Testimony” [ECF No. 88], filed June 20, 2023 by Defendant Michael Rivera (“Defendant”). Therein Defendant requests specific documents and materials relied upon by the Government’s proposed expert witnesses be provided at least seven days before the *Daubert* hearing set in this matter. ECF No. 88 at 3. Besides citing Federal Rule of Evidence 702 and making a minor reference to *Brady*, Defendant provides no case law or other support for his proposition that the Government must provide the additional materials he requests. Federal Rule of Evidence 702 merely indicates the guidelines for when a witness may be qualified as an expert. Pertinently, Federal Rule of Criminal Procedure 16(a)(1)(g)(iii) states:


The disclosure for each expert witness must contain:

- a complete statement of all opinions that the government will elicit from the witness in its case-in-chief, or during its rebuttal to counter testimony that the defendant has timely disclosed under (b)(1)(C);
- the bases and reasons for them;
- the witness’s qualifications, including a list of all publications authored in the previous 10 years; and

- a list of all other cases in which, during the previous 4 years, the witness has testified as an expert at trial or by deposition.

Defendant fails to specifically outline how the Government's Notice of Expert Witness Testimony [ECF No. 81] fails the strictures of Federal Rule of Criminal Procedure 16. As to any potential *Brady* material, the Government, of course, has a general obligation to continue to adhere to *Brady*.

Accordingly, it is **HEREBY ORDERED** that "Defendant's Motion to Produce Relevant Information Relevant to Daubert Testimony" [ECF No. 88] is **DENIED**.



MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE